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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

AFFIDAVIT OF FACT

Case No. Ad. Pro. No. 08-01789 (BRL)
SIPA Liquidation

STATE OF TEXAS)
) ss.:
COUNTY OF DUVAL)

DAVONE PHOMMAVONG, being duly sworn, deposes and says:

1. I am a Bankruptcy Specialist for DCFS USA LLC subservicer for Daimler Trust (hereinafter "DCFS USA LLC") is a foreign corporation, duly authorized to do business in the State of New York.

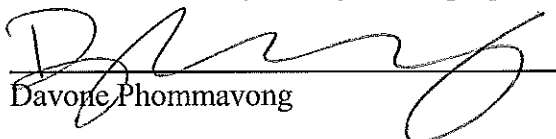
2. I have direct access to and am familiar with the facts and circumstances set forth in this Affidavit by reason of the examination of the books and records maintained by DCFS USA LLC in the ordinary course of business.

3. This Affidavit is submitted in support of DCFS USA LLC's Motion for Relief from the Automatic Stay in this case pursuant to 11 U.S.C. Section 362(d) and the Order Extending the Stay Against All Creditors signed by the Hon. Burton R. Lifland on January 5, 2009.

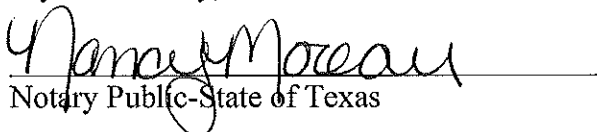
4. A review of the records maintained by DCFS USA LLC reveals that the defendant is in default of its payment obligations to DCFS USA LLC in that as of January 27, 2009, payment has not been made for the month of December, 2008. The gross balance due and owing as of January 27, 2009 was \$58,212.76. Based upon the foregoing default in payment and surrender of the vehicle, DCFS USA LLC seeks relief from the automatic stay so that it may liquidate the vehicle, one (1) 2009 Mercedes S550V4 (V.I.N. WDDNG86X49A254361). The cash value of the vehicle as of the date of the signing the Lease was \$84,000.00.

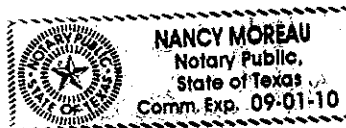
5. I have read the Motion for Relief from the Automatic Stay dated February 3, 2009 and attest to the allegations set forth therein.

WHEREFORE, your deponent respectfully requests that the Court grant DCFS USA LLC subservicer for Daimler Trust's Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. Section 362(d); and for such other and further relief as to the Court may seem just and proper.


Davone Phommavong

Sworn to before me this 3rd
day of February, 2009.


Notary Public-State of Texas



09.00544